



General Assembly

January Session, 2003

Committee Bill No. 691

LCO No. 3503

Referred to Committee on Planning and Development

Introduced by:
(PD)

AN ACT CONCERNING NOTICE OF ZONING DECISIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (f) of section 8-3 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2003*):

4 (f) No building permit or certificate of occupancy shall be issued for
5 a building, use or structure subject to the zoning regulations of a
6 municipality without certification in writing by the official charged
7 with the enforcement of such regulations that such building, use or
8 structure is in conformity with such regulations or is a valid
9 nonconforming use under such regulations. The applicant for any such
10 certification, or the party seeking any other decision by such official
11 may provide for publication of a legal notice in a newspaper having
12 substantial circulation in such municipality stating that the certification
13 has been issued. The legal notice shall contain the description of the
14 building, use, or structure; its location; the identity of the applicant;
15 and a statement that an aggrieved party may appeal to the zoning
16 board of appeals in accordance with the provisions of section 8-7, as
17 amended by this act.

18 Sec. 2. Section 8-7 of the general statutes is repealed and the
19 following is substituted in lieu thereof (*Effective October 1, 2003*):

20 The concurring vote of four members of the zoning board of appeals
21 shall be necessary to reverse any order, requirement or decision of the
22 official charged with the enforcement of the zoning regulations or to
23 decide in favor of the applicant any matter upon which it is required to
24 pass under any bylaw, ordinance, rule or regulation or to vary the
25 application of the zoning bylaw, ordinance, rule or regulation. An
26 appeal may be taken to the zoning board of appeals by any person
27 aggrieved or by any officer, department, board or bureau of any
28 municipality aggrieved and shall be taken within such time as is
29 prescribed by a rule adopted by said board, or, if no such rule is
30 adopted by the board, within thirty days, by filing with the zoning
31 commission or the officer from whom the appeal has been taken and
32 with said board a notice of appeal specifying the grounds thereof. Such
33 appeal period shall commence (1) for a party, upon receipt of the
34 order, requirement, or decision from which such party may appeal; (2)
35 for any other aggrieved party, upon the publication of a legal notice in
36 accordance with subsection (f) of section 8-3, as amended by this act, or
37 upon actual notice of such order, requirement or decision. The officer
38 from whom the appeal has been taken shall forthwith transmit to said
39 board all the papers constituting the record upon which the action
40 appealed from was taken. An appeal shall not stay any such order,
41 requirement or decision which prohibits further construction or
42 expansion of a use in violation of such zoning regulations except to
43 such extent that the board grants a stay thereof. An appeal from any
44 other order, requirement or decision shall stay all proceedings in the
45 action appealed from unless the zoning commission or the officer from
46 whom the appeal has been taken certifies to the zoning board of
47 appeals after the notice of appeal has been filed that by reason of facts
48 stated in the certificate a stay would cause imminent peril to life or
49 property, in which case proceedings shall not be stayed, except by a
50 restraining order which may be granted by a court of record on
51 application, on notice to the zoning commission or the officer from

52 whom the appeal has been taken and on due cause shown. Such board
53 shall, within the period of time permitted under section 8-7d, hear
54 such appeal and give due notice thereof to the parties. Notice of the
55 time and place of such hearing shall be published in a newspaper
56 having a substantial circulation in such municipality at least twice at
57 intervals of not less than two days, the first not more than fifteen days,
58 nor less than ten days, and the last not less than two days before such
59 hearing. In addition to such notice, such board may, by regulation,
60 provide for notice by mail to persons who are owners of land which is
61 adjacent to the land which is the subject of the hearing. At such
62 hearing any party may appear in person and may be represented by
63 agent or by attorney. Such board may reverse or affirm wholly or
64 partly or may modify any order, requirement or decision appealed
65 from and shall make such order, requirement or decision as in its
66 opinion should be made in the premises and shall have all the powers
67 of the officer from whom the appeal has been taken but only in
68 accordance with the provisions of this section. Whenever a zoning
69 board of appeals grants or denies any special exception or variance in
70 the zoning regulations applicable to any property or sustains or
71 reverses wholly or partly any order, requirement or decision appealed
72 from, it shall state upon its records the reason for its decision and the
73 zoning bylaw, ordinance or regulation which is varied in its
74 application or to which an exception is granted and, when a variance is
75 granted, describe specifically the exceptional difficulty or unusual
76 hardship on which its decision is based. Notice of the decision of the
77 board shall be published in a newspaper having a substantial
78 circulation in the municipality and addressed by certified mail to any
79 person who appeals to the board, by its secretary or clerk, under his
80 signature in any written, printed, typewritten or stamped form, within
81 fifteen days after such decision has been rendered. In any case in
82 which such notice is not published within such fifteen-day period, the
83 person who requested or applied for such special exception or variance
84 or took such appeal may provide for the publication of such notice
85 within ten days thereafter. Such exception or variance shall become

86 effective upon the filing of a copy thereof [(1)] (A) in the office of the
 87 town, city or borough clerk, as the case may be, but, in the case of a
 88 district, in the offices of both the district clerk and the town clerk of the
 89 town in which such district is located, and [(2)] (B) in the land records
 90 of the town in which the affected premises are located, in accordance
 91 with the provisions of section 8-3d.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>

Statement of Purpose:

To provide applicants for a certificate of zoning compliance and a building permit the option of publishing notice of the decision of the zoning enforcement officer in a local newspaper and to provide that the thirty-day-appeal period to appeal to the zoning board of appeals begins to run from the date of the legal notice, rather than whenever an aggrieved party receives actual notice of the decision.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. FASANO, 34th Dist.

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